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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1953

No. 328

MARIE WILLIAMS SACKETT,

Appellant,

versus

STATE OF LOUISIANA.

Appeal from the Criminal District Court for the Parish of Orleans, Appellate Division, State of Louisiana.

APPEAL FROM THE SUPREME COURT OF THE STATE OF LOUISIANA.

PETITION FOR REHEARING.

MAURICE E. WOULFE,
RICHARD A. DOWLING,
Counsel for Appellant.

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APPEAL FROM THE SUPREME COURT OF THE STATE OF LOUISIANA.

PETITION FOR REHEARING.

The Petition for Rehearing of Mark William Sackett, Appellant, respectfully shows:

I.

That on Monday, November 9, 1953, this Honorable Court entered a judgment herein dismissing appel-

lant's Petition for Appeal, for want of substantial Federal question.

II.

Appellant respectfully submits that he has been aggrieved by said judgment and that a Rehearing herein should be granted for the reason that this Court's judgment is contrary to the holdings of this Honorable Court, in the case of *U. S. v. Reese, 92 U. S. 214, 23 L. Ed. 563*, wherein the Supreme Court of the United States stated:

> "Every man should be able to know with certainty when he is committing a crime."

The same case declared further:

> "It would certainly be dangerous if the legislature could set a net large enough to catch all possible offenders, and leave it to the courts to step inside and say who could be rightfully detained, and who should be set at large. This would, to some extent, substitute the judicial for the legislative department of government."

Also, *U. S. v. Cardiff, 72 S. Ct. 189*, the Court therein denounced the uncertainness of the State in these words, as follows:

> "The vice of vagueness in Court Statutes is the treachery they conceal either in determining what persons are included or what acts are prohibited. Words which are vague and fluid, U. S. v. L. Cohen Gro. Co., 255 U. S. 81, 41 S. Ct. 298, 65 L. Ed. 516,

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may be as much of a trap for the innocent as the ancient laws of Caligula."

And also, *Joseph Burstyn, Inc., v. Wilson, et al., 343 U. S. 495, 72 S. Ct. 777.*

III.

Special attention is directed to the judgment on the rehearing applied for before the Criminal District Court for the Parish of Orleans, Appellate Division Number One, wherein said Court recognized and acknowledged that said Statute under which appellant was prosecuted was vague and indefinite and insufficient in law to appraise defendant of the offense charged against him. See Appendix "B", page eleven (11), paragraph three (3) q:

"If the Information simply followed the language of the statute, the Information would be fatally defective because of vagueness and such an Information would state merely conclusions of law. The statute does not particularize one offense but applies to all possible violations of its provisions hence an information drawn under this statute to be a valid information must particularize the acts and the conduct which the prosecution charges constitute 'corrupt influence' in this case so that appellant may know what acts and conduct he is called upon to defend."

IV.

For the reasons above assigned, appellant sincerely believes and prays that he be entitled to a rehearing here-

in, and further states that this Petition for Rehearing is filed in good faith and not for the purpose of delay.

Respectfully,

MAURICE R. WOULFE.

RICHARD A. DOWLING.

CERTIFICATE.

We hereby certify that we have served copies of the within Petition for Rehearing upon Counsel for the State of Louisiana.

MAURICE R. WOULFE.

RICHARD A. DOWLING.